

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
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FILED

MAR 01 2005

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE
CONVICTION OF:

GEORGE STUART KELLNER,
No. 111670

A Member of the State Bar

) Case No. **02-C-13863**
)
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.
) Code §§6101-6102; Cal. Rules of Court, rule 950 et seq.)
)
) Felony;
) Crime(s) involved moral turpitude;
) Probable cause to believe the crime(s) involved moral
) turpitude;
) Crime(s) which may or may not involve moral turpitude or
) other misconduct warranting discipline;
) Transmittal of Notice of Finality of Conviction.
) **SUMMARY DISBARMENT IMPLICATIONS**

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- A. Pursuant to the provisions of Business and Professions Code sections 6101-6102 and California Rules of Court, rule 950 et seq., the Office of the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the Bar Court and for such consideration and action as the Court deems appropriate:
- B. Notice of Appeal
- C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- D. Other

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Name of member: GEORGE STUART KELLNER

Date member admitted to practice law in California: December 12, 1983

Member's Address of Record: 7960 Brentwood Blvd, #A

Brentwood, CA 94513

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: December 1, 2004

Convicting court: Santa Clara County Superior Court

Case number(s): Santa Clara County Superior Court Case No. 210710

Crime(s) of which convicted and classification(s): Violation of California Penal Code section 129 perjury by false return, statement or report under oath, 1 count, a felony and crime involving moral turpitude per se analogous to *In re Kristovich* (1976) 18 Cal.3d 468; Revenue and Taxation Code section

19706, unfiled/false/fraudulent tax, return with intent to evade tax, 5 counts, felonies and crimes which involve moral turpitude per se as in *Carty v. Ashcroft* (9th Cir. 2005) 395 F.3d 1081. (See also *Windham, M.D., v. BMOA* (1980) 104 Cal.App.3d 461; *Khan v. Barber* (9th Cir. 1958) 253 F.2d 547 and *In re Higbie* (1922) 6 Cal.3d 512, 571-572. See also *Kirby v. Alcoholic Beverage Control Appeals Bd.* (1969) 270 Cal.App.2d 535 and its discussion of *In re Hallinan* (1954) 43 Cal.2d 243.

3. Compliance with Rule 955. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 955, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 955 within 40 days of the effective date of said order, showing the members' compliance with the provisions of rule 955.

4. Other information to assist the State Bar Court.

DOCUMENTS TRANSMITTED:

Second Amended Indictment filed December 15, 2003
Jury Verdicts Filed December 1, 2004

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: 2/28/5, 2005

BY: 
Donald R. Steedman
Supervising Deputy Trial Counsel

A copy of this transmittal and its attachments have been sent to:

Jerome Fishkin, Esq.
Attorney at Law
369 Pine St., #627
San Francisco, CA 94104

DECLARATION OF SERVICE BY MAIL

CASE NUMBER: 02-C-13863

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit. That in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

TRANSMITTAL OF RECORD OF CONVICTION RE GEORGE STUART KELLNER

in a sealed envelope placed for collection and mailing at San Francisco, on the date shown below, addressed to:

**Jerome Fishkin, Esq.
Attorney at Law
369 Pine St., #627
San Francisco, CA 94104**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

Signed: Deborah Flores

Date: February 28, 2005